

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ERIC OTERO, : CIVIL ACTION NO. 06-3435 (MLC)  
Plaintiff, :  
v. : **O R D E R**  
COUNTY OF MONMOUTH, et al., :  
Defendants. :  
\_\_\_\_\_ :

The defendant CFG Health Systems, LLC ("CFG") moving on November 15, 2007, for summary judgment in its favor as to the state law claims asserted against it ("First Motion") (dkt. entry nos. 52 & 53); and CFG, five months later, then separately moving for summary judgment in its favor as to the federal law claims asserted against it ("Second Motion") (dkt. entry no. 63); and it appearing that CFG – in filing the First Motion and the Second Motion, rather than one, all-inclusive motion – is causing an unnecessary expenditure of valuable judicial resources; and it further appearing that the Magistrate Judge has scheduled a settlement conference herein for June 10, 2008 (two unnumbered dkt. entries after dkt. entry no. 63); and

**THE COURT** having the inherent power to control the docket, and thus assure that pending motions are addressed in a manner that suits the Court in the effort to be administratively efficient, Landis v. N. Am. Co., 299 U.S. 248, 254 (1936), Rolo v. Gen. Dev. Corp., 949 F.2d 695, 702 (3d Cir. 1991); and the

Court intending to deny the First Motion and the Second Motion without prejudice, with leave to move again to seek the relief sought in the First Motion and the Second Motion under one, all-inclusive motion; and the Court advising CFG to move again, if it so chooses, by filing (1) a new notice of motion listing the relief sought, and (2) a statement that no brief is necessary, and relying on the arguments raised in the papers filed under the First Motion and the Second Motion; and the Court advising CFG that simply filing a letter seeking to renew the First Motion and the Second Motion will be insufficient, and thus neither acknowledged nor addressed; and it appearing that, upon the filing of the one, all-inclusive motion, the plaintiff may (1) file a statement that he relies on the arguments previously raised in opposition to the First Motion, and (2) raise any new arguments in a brief as to the issues originating from the Second Motion; and for good cause appearing;

**IT IS THEREFORE** on this 10th day of April, 2008  
**ORDERED** that the motion by the defendant CFG Health Systems, LLC, for summary judgment in its favor as to the state law claims asserted against it (dkt. entry nos. 52 & 53) is **DENIED WITHOUT PREJUDICE**, and with leave to move again as directed herein; and  
**IT IS FURTHER ORDERED** that the separate motion by the defendant CFG Health Systems, LLC, for summary judgment in its favor as to the federal law claims asserted against it (dkt. entry nos. 63) is **DENIED WITHOUT PREJUDICE**, and with leave to move again as directed herein.

s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge